

SPECIAL ORDINANCE NO. S-75-91

AN ORDINANCE approving CONTRACT FOR RES. #6185-91, LAFAYETTE STREET-LEITH TO WILDWOOD (COIT) between TOMCO CONSTRUCTION CO., INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the CONTRACT FOR RES. #6185-91, LAFAYETTE STREET-LEITH TO WILDWOOD (COIT) by and between TOMCO CONSTRUCTION CO., INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety, for:

the improvement of Lafayette Street from Leith Street to Wildwood Avenue (West Side Only) by replacement of new curbs, walks, drives and yardwalks;

the Contract price is Thirty-Three Thousand Eight Hundred Twenty and no/100 Dollars (\$33,820.00), all as more particularly set forth in said Contract, which is on file in the Office of the Board of Public Works and Safety and, is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two (2) copies of said Contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

*Janet G. Bradbury*  
Councilmember

APPROVED AS TO FORM  
AND LEGALITY

*J. Timothy McCaulay*  
J. Timothy McCaulay, City Attorney

BID TAB

DATE: 2-13-91

PROJECT: LAFAYETTE ST. (LEITH TO WILWOOD) BASE BID RES. NO: 6185-91

ITEM NO.	ITEM	BIDDER:		BIDDER:		BIDDER:		BIDDER:		BIDDER:		BIDDER:		BIDDER:		BIDDER:	
		QUANTITY	UNIT	AMOUNT	UNIT COST	AMOUNT	UNIT COST	AMOUNT	UNIT COST	AMOUNT	UNIT COST	AMOUNT	UNIT COST	AMOUNT	UNIT COST	AMOUNT	UNIT COST
				(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
1.	Concrete Removal	780	SY	4.00	3120.00	3.25	2535.00	4.00	3120.00	3.50	2730.00	5.30	4134.00	5.00	3900.00	5.00	3900.00
2.	Curb Removal	995	LF	3.00	2985.00	2.00	1990.00	2.41	2397.95	2.20	2189.00	6.00	5970.00	1.90	1890.50	2.50	2487.50
3.	14" Concrete Sidewalk	495	SY	20.00	9900.00	18.00	8910.00	19.00	9405.00	19.00	9405.00	18.00	8910.00	21.00	10395.00	22.00	10890.00
4.	Conc. Pavement for Private Drives	60	SY	22.00	1320.00	21.00	1260.00	23.50	1410.00	22.50	1350.00	21.00	1260.00	23.50	1410.00	33.75	2025.00
5.	Concrete Mingwalks w/raups	105	SY	22.00	2310.00	19.00	1995.00	24.50	2572.50	22.00	2310.00	23.00	2415.00	23.50	2467.50	28.00	2940.00
6.	Concrete Curb (Type III)	800	LF	12.00	9600.00	10.00	8000.00	10.50	8400.00	10.30	8240.00	9.00	7200.00	12.00	9600.00	14.50	11600.00
7.	Concrete Curbside Walk	65	SY	23.00	1495.00	20.00	1300.00	20.25	1316.25	24.00	1560.00	19.00	1235.00	30.00	1950.00	25.00	1625.00
8.	Concrete Pavement for Alleys	70	SY	24.00	1680.00	22.00	1540.00	23.00	1610.00	24.00	1680.00	24.00	1680.00	26.00	1820.00	30.00	2100.00
9.	CFW Catch Basin (Type I-F)	1	EA	1500.00	1500.00	1600.00	1600.00	1600.00	1600.00	1550.00	1550.00	1300.00	1300.00	1500.00	1500.00	2000.00	2000.00
10.	CFW Standard Inlet (Type I-C)	2	EA	800.00	1600.00	600.00	1200.00	650.00	1300.00	825.00	1650.00	650.00	1300.00	600.00	1200.00	1500.00	3000.00
11.	Adjust Casting	2	EA	125.00	250.00	75.00	150.00	80.00	160.00	100.00	200.00	125.00	250.00	50.00	100.00	200.00	400.00
12.	Adjust Water Curb Boxes	18	EA	25.00	450.00	5.00	90.00	5.00	90.00	30.00	540.00	20.00	360.00	5.00	90.00	35.00	630.00
13.	Concrete Steps	2	CY	400.00	800.00	150.00	300.00	250.00	500.00	350.00	700.00	325.00	650.00	300.00	600.00	500.00	1000.00
14.	8" Borrow	95	TON	7.00	665.00	6.00	570.00	6.00	570.00	6.50	617.50	5.00	475.00	5.00	475.00	10.00	950.00
15.	Top Soil	85	TON	10.00	850.00	10.00	850.00	8.00	680.00	10.10	858.50	9.00	765.00	12.00	1020.00	15.00	1275.00
16.	Seed, Mulch & Fertilizer	830	SY	1.50	1245.00	1.00	830.00	1.00	830.00	1.00	830.00	0.60	498.00	1.00	830.00	1.50	1245.00
17.	Tree Removal (18")	2	EA	400.00	800.00	350.00	700.00	250.00	500.00	350.00	700.00	225.00	450.00	210.00	420.00	200.00	400.00

TOTAL:	\$40,570.00	TOTAL:	\$33,820.00	TOTAL:	\$36,461.70	TOTAL:	\$37,110.00	TOTAL:	\$38,852.00	TOTAL:	\$39,668.00	TOTAL:	\$48,467.50	TOTAL:	\$65,115.00
% over	1% over	% over	0.002% over	% over	0.002% over	% over	0.002% over	% over	0.002% over	% over	0.002% over	% over	19.47% over	% over	60.50% over
% under	16.64% under	% under	10.13% under	% under	8.53% under	% under	4.23% under	% under	2.22% under	% under	0.00% under	% under	0.00% under	% under	0.00% under

SUBJECT: LAFAYETTE ST. (LEITH TO WILWOOD) ALT. BID RES. NO: 6185-91

[illegible]

CONTRACT NO. 6185-91  
LAFAYETTE STREET - LEITH TO WILDWOOD (COIT PROJECT)

BOARD ORDER NO. 148-90

WORK ORDER NO. 10,868

THIS CONTRACT made and entered into in triplicate this 6 day of March, 1991, by and between TOMCO CONSTRUCTION CO., INC., herein called CONTRACTOR, and the City of Fort Wayne, Indiana, an Indiana Municipal Corporation, acting by and through the Mayor and the Board of Public Works and Safety, herein called OWNER;

WITNESSETH, that the CONTRACTOR and the OWNER, for the considerations hereinafter named, agree as follows:

**ARTICLE 1: SCOPE OF WORK**

CONTRACTOR shall furnish all labor, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for the following:

RESOLUTION NO. 6185-91

To improve Lafayette Street from Leith Street to Wildwood Avenue (West side only) by replacement of new curbs, walks, drives and yardwalks,

all according to Res. No. 6185-91 and do everything required by this contract and the other documents constituting a part hereof.

**ARTICLE 2: THE CONTRACT SUM**

The OWNER shall pay CONTRACTOR for the performance of the contract the unit price sum of \$33,820.00. In the event the amount of work is increased or decreased by OWNER, the contract sum shall be increased or decreased according to the unit price schedule set forth in the CONTRACTOR's Proposal.

**ARTICLE 3: PROGRESS PAYMENTS**

The OWNER shall make payments on account of the contract as provided herein, as follows:

Monthly progress payments will be made by OWNER upon submission of a statement of quantities of work completed and/or materials supplied to the job site as of the end of each month. On or about the 15th day of the following month, ninety percent (90%) of the value of the work performed up to the first day of that month (based on the contract price of labor and materials incorporated in the work) and as estimated by the CONTRACTOR and approved or revised by the Engineering Department of the OWNER less the aggregate of previous payments, will be paid by OWNER to the CONTRACTOR.

#### ARTICLE 4: ACCEPTANCE AND FINAL PAYMENT

Final payment shall be due at the time the work is fully completed and accepted and the contract is fully performed.

Upon filing of a Completion Affidavit by the CONTRACTOR that the work is ready for final inspection and acceptance, the Board of Public Works and Safety will direct the Engineering Department of the OWNER to promptly make such inspection. When the Engineering Department finds the work acceptable under the contract, and the contract is fully performed, it shall so inform the Board of Public Works and Safety, which shall issue a final certificate stating that the work provided for in this Contract has been completed and is accepted. Thereupon the entire balance of the Contract sum shall be due and payable to the CONTRACTOR; provided only that CONTRACTOR shall first furnish OWNER, if requested to do so, satisfactory evidence that all persons who have supplied labor, material, or equipment for the work have been fully paid, and all required manpower utilization reports for this project have been submitted.

#### ARTICLE 5: WORKMEN'S COMPENSATION ACT

The CONTRACTOR will furnish immediately a certificate from the Industrial Board of the State of Indiana, that he has complied with the Workmen's Compensation Act in accordance with Statutes of the State of Indiana and Ordinances of the City of Fort Wayne.

Any judgment rendered against the City of Fort Wayne in any suits for damages for injury to real or personal property, or for any injury sustained by any person growing out of any act or doing of Contractor, or its agents, employees or workmen or any judgment of any court or award of any Board of Arbitrators or of the Industrial Board of the State of Indiana rendered against the City of Fort Wayne in any suit or claim arising under said Workmen's Compensation for accidental injuries or death suffered by his employees or the employees of any Subcontractor or Subcontractors in the course of their employment, when notice of the pendency of such suit, hearing or arbitration shall have been given said CONTRACTOR, shall be conclusive against CONTRACTOR as to amount, liability and all other things pertaining thereto; it being the intent of the parties hereto that CONTRACTOR indemnify and hold harmless OWNER in the premises.

#### ARTICLE 6: NONDISCRIMINATION OF LABOR

The CONTRACTOR further agrees to be bound by Section 15-13 (as amended), of the Code of the City of Fort Wayne, Indiana of 1974, passed by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-34-78 (as amended) on December 12th, 1978. The successful bidder shall file a Manpower Utilization Report for this project with the Compliance Office within ten (10) days after completion of construction or upon request of the Office of Compliance.

#### ARTICLE 7: PREVAILING WAGE SCALE

The CONTRACTOR agrees to pay, and also requires of his subcontractors that they pay wage rates on the work covered by this contract which shall not be less than the prescribed scale of wages as determined pursuant to the Statutes of the State of Indiana, and the Ordinances of the City of Fort Wayne according to the applicable wage scale as included in the bid documents.

#### ARTICLE 8: COMPONENT PARTS OF THIS CONTRACT

The following documents are as fully a part of the contract as if hereto attached or herein repeated:

- a. Advertisement for Bids, for Resolution No. 6185-91
- b. Instructions to Bidders for Resolution No. 6185-91
- c. Contractor's Proposal Dated 2/6/91
- d. Ft. Wayne Street Engineering Drawings accompanying bid packet for Resolution No. 6185-91
- e. Supplemental Specifications accompanying bid packet for Resolution No. 6185-91
- f. Workmen's Compensation Act, Statutes of the State of Indiana and Ordinances of the City of Fort Wayne.
- g. Non-Discrimination of Labor, General Ordinance No. G-34-78 (as amended).
- h. Prevailing Wage Scale.
- i. Performance and Guaranty Bond.
- j. Labor and Material Payment Bond.
- k. Right-of-Way Cut Permit.
- l. Comprehensive Liability Insurance Coverage.
- m. Minority/Female Employment Hourly Utilization
- n. MBE/EBE Commitment Form

#### ARTICLE 9: GUARANTEE OF WORKMANSHIP

At the time of execution of this contract, the CONTRACTOR shall furnish a Performance and Guaranty Bond in favor of the City of Fort Wayne in the amount of the total value of the materials supplied and/or work performed under the terms of this contract. The said bond shall ensure the completion of the work covered hereunder and shall guarantee the materials and workmanship for a period of three (3) years following written acceptance of the work by the OWNER.

#### ARTICLE 10: INDEMNITY

CONTRACTOR shall furnish to OWNER, within ten (10) days of the date hereof, a certificate from an insurer acceptable to OWNER showing personal injury and property damage insurance, in force and issued in connection with the work to be performed under this Contract, in amounts satisfactory to OWNER and in accordance with the Statutes of the State of Indiana.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

BY: \_\_\_\_\_

CITY OF FORT WAYNE, INDIANA

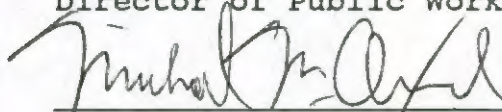
BY: \_\_\_\_\_

Paul Helmke, Mayor

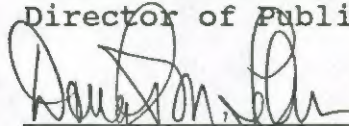
BOARD OF PUBLIC WORKS & SAFETY



Charles E. Layton  
Director of Public Works



Michael McAlexander  
Director of Public Safety



Douglas M. Lehman  
Director of Administration &  
Finance

ATTEST:

  
Patricia J. Crick, Clerk

Read the first time in full and on motion by Bradbury  
seconded by Redd, and duly adopted, read the second time  
title and referred to the Committee on Public Works (and the  
City Plan Commission for recommendation) and Public Hearing to be held aft  
due legal notice, at the Council Conference Room 128, City-County Building  
Fort Wayne, Indiana, on \_\_\_\_\_, the  
of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.

DATED: 3-21-91

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury  
seconded by Redd, and duly adopted, placed on its  
passage. PASSED lost by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>	<u>0</u>	<u>1</u>	<u>1</u>
BRADBURY	<u>✓</u>			
BURNS			<u>✓</u>	
EDMONDS	<u>✓</u>			
GIAQUINTA				<u>✓</u>
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 3-26-91

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXTATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING-MAP) ORDINANCE RESOLUTION NO. J-75-91  
on the 26th day of March, 1991.

Sandra E. Kennedy ATTEST  
SANDRA E. KENNEDY, CITY CLERK

SEAL  
Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 27th day of March, 1991  
at the hour of 1:30 o'clock P. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 28th day of March  
1991, at the hour of 10:20 o'clock P. M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR

Admn. Appr.

TITLE OF ORDINANCE: Contract for Res. #6185-91, Lafayette Street  
- Leith to Wildwood

DEPARTMENT REQUESTING ORDINANCE: Board of Public Works & Safety

SYNOPSIS OF ORDINANCE: The Contract for Res. #6185-91, is for the improvement of Lafayette Street from Leith Street to Wildwood Avenue (West Side Only) by replacement of new curbs, walks, drives and yard-walks. Tomco Construction Co., Inc., is the contractor. (COIT Project)

EFFECT OF PASSAGE: Improved conditions as listed above.

EFFECT OF NON PASSAGE:

*S-91-03-18*


MONEY INVOLVED (DIRECT COSTS, EXPENDITURE, SAVINGS) \$33,820.00

ASSIGNED TO COMMITTEE:

BILL NO. S-91-03-18

REPORT OF THE COMMITTEE ON PUBLIC WORKS

JANET G. BRADBURY, CHAIRPERSON  
CLETUS R. EDMONDS, VICE CHAIRMAN  
GIAQUINTA, REDD, HENRY



WE, YOUR COMMITTEE ON PUBLIC WORKS TO WHOM WAS

REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ <sup>XXXXXXXXXX</sup> approving CONTRACT FOR  
RES. #6185-91, LAFAYETTE STREET-LEITH TO WILDWOOD (COIT)  
between TOMCO CONSTRUCTION CO., INC. and the City of Fort Wayne,  
Indiana, in connection with the Board of Public Works and  
Safety

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) ~~(RESOLUTION)~~

DO PASS

DO NOT PASS

ABSTAIN

NO REC

J. Bradbury

G. Henry

Chas. Redd

C. R. Edmonds

DATED:

2-26-91.

Sandra E. Kennedy  
City Clerk